

ASSEMBLY BILL

No. 808

Introduced by Assembly Member La Suer

February 18, 2005

An act to amend Section 11350 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 808, as introduced, La Suer. Controlled substances.

Existing law makes it a crime to possess designated controlled substances.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11350 of the Health and Safety Code is
2 amended to read:
3 11350. (a) Except as otherwise provided in this division,
4 every person who possesses (1) any controlled substance
5 specified in subdivision (b) or (c), or paragraph (1) of subdivision
6 (f) of Section 11054, specified in paragraph (14), (15), or (20) of
7 subdivision (d) of Section 11054, or specified in subdivision (b)
8 or (c) of Section 11055, or specified in subdivision (h) of Section
9 11056, or (2) any controlled substance classified in Schedule III,
10 IV, or V which is a narcotic drug, unless upon the written
11 prescription of a physician, dentist, podiatrist, or veterinarian

1 licensed to practice in this state, shall be punished by
2 imprisonment in the state prison.

3 (b) Except as otherwise provided in this division, every
4 person who possesses any controlled substance specified in
5 subdivision (e) of Section 11054 shall be punished by
6 imprisonment in the county jail for not more than one year or in
7 the state prison.

8 (c) Except as otherwise provided in this division, whenever a
9 person who possesses any of the controlled substances specified
10 in subdivision (a) or (b), the judge may, in addition to any
11 punishment provided for pursuant to subdivision (a) or (b), assess
12 against that person a fine not to exceed seventy dollars (\$70),
13 with proceeds of this fine to be used in accordance with Section
14 1463.23 of the Penal Code. The court shall, however, take into
15 consideration the defendant's ability to pay, and no defendant
16 shall be denied probation because of his or her inability to pay
17 the fine permitted under this subdivision.

18 (d) Except in unusual cases in which it would not serve the
19 interest of justice to do so, whenever a court grants probation
20 pursuant to a felony conviction under this section, in addition to
21 any other conditions of probation which may be imposed, the
22 following conditions of probation shall be ordered:

23 (1) For a first offense under this section, a fine of at least one
24 thousand dollars (\$1,000) or community service.

25 (2) For a second or subsequent offense under this section, a
26 fine of at least two thousand dollars (\$2,000) or community
27 service.

28 (3) If a defendant does not have the ability to pay the
29 minimum fines specified in paragraphs (1) and (2), community
30 service shall be ordered in lieu of the fine.